



**Fw: Subject: Request for a new survey at Mesa Dunes Mobile Home Park ;**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/27/2014 08:16 AM

Sent by: **Cytasha Campa**

On Feb 4 agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/27/2014 08:16 AM -----

From: Jeff McAlister <jcmcalister1@gmail.com>  
To: boardofsups@co.slo.ca.us  
Date: 01/26/2014 06:38 PM  
Subject: Subject: Request for a new survey at Mesa Dunes Mobile Home Park;

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To: County Board of Supervisors:

We are residents at Mesa Dunes Mobile Home Park and the park owners have submitted an application for a park conversion from rental to resident owned land. The required survey by law was not performed per the subsection (d)(2) of Ca Government Code Section 66427.5 as identified by the SLO Planning Department. You the Supervisors will be reviewing the Planning Department evidence that the application for subdivision as being “incomplete” and said “the application contains insufficient evidence that the resident support survey was conducted in accordance with an agreement between the applicant and the Mesa Dunes Home Owners Association.

The residents are requesting a new survey which should be conducted per the Code and generated by the HOA board. The HOA board never had the opportunity to review the returned survey ballots that was conducted in June last year. We are asking that the new survey be sent to a neutral party where both parties can observe the survey count.

In review of previous conversions we found the conversion of Alimur Mobile Home Park sent to the residents back in 2008, (letter attached). This letter was generated in accordance with the Government Section 66427.5 and the survey was done by the Home Owners Association. The survey sent to the residents had only a Yes or No vote for conversion unlike our survey that had 3 types of Yes votes, one abstain or not interested and one No vote. The attached letter was from Gilchrest & Rutter Professional Corporation with the same lawyer Richard Close and Susy Forbath the paralegal. Our questions to Susy about our survey and why there 3 “FOR” conversions and not a yes or no vote, Susy indicated this was the standard form they were using for years. It is this writer’s options that over the last 5 years Richard Close and Susy Forbath have streamlined their SHAM Conversion and try to pull the wool over the resident’s eyes.

My wife and I urge you to please back the Planning Department and the residents of Mesa Dunes Mobile Home Park to vote for a new survey which will be conducted in accordance with the Government Code.

Sincerely:  
Jeff & Cathy McAlister

Mesa Dunes Mobile Home Park



Conversion of Alimur MHP 2008.pdf

LAW OFFICES  
**GILCHRIST & RUTTER**  
PROFESSIONAL CORPORATION

E-MAIL: [tcasparian@gilchristutter.com](mailto:tcasparian@gilchristutter.com)

August 13, 2008

VIA FEDERAL EXPRESS

Terrence Lee Hancock  
Directing Attorney  
Senior Citizens Legal Services

Santa Cruz, CA 95062

Re: Conversion of Alimur Mobile Home Park

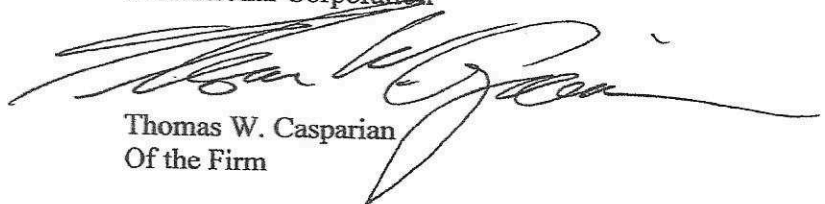
Dear Terry:

We have complied with all requests made in your email dated August 8, 2008. Enclosed are the revised Resident Survey and Survey Agreement.

Accordingly, upon receipt of the signed Survey Agreement, the Resident Survey will be sent on August 20, 2008 to each household with a copy of the Santa Cruz Ordinance No.4880 Chapter 14.08. We have inserted a deadline date for return ten days later on August 30, 2008.

Sincerely,

GILCHRIST & RUTTER  
Professional Corporation



Thomas W. Casparian  
Of the Firm

sf:sf/163009\_1.DOC/081108  
4653.001

cc: Rahn Garcia, Esq., Office of County Counsel  
Richard H. Close, Esq.

ALIMUR MOBILE HOME PARK

SURVEY AGREEMENT

1. **Survey Form.** The attached Survey is the form that shall be used for distribution to the Residents of Alimur Mobile Home Park pursuant to this Agreement between the Residents Association and the Park Owner. This Survey form shall be revised before distribution to the Residents only for the purpose of inserting the "Deadline Date" as discussed in Paragraph 3, below.
2. **Distribution Date.** The Survey shall be distributed to each Resident on August 20, 2008. The survey forms shall be distributed with a Proof of Service to ensure receipt. The Distribution Date shall be set in conjunction with the Deadline Date discussed below so that Residents will have no less than 10 days to mail the Survey.
3. **Deadline for Return of Survey.** The date that will be inserted in the Survey to create the Deadline Date for the postmark on the return mailing of the Survey will be a date no less than 10 days after the Distribution Date as discussed above.
4. **Survey Counter.** The Residents shall mail the completed Survey forms to Lori Adams, a CPA in Campbell, California. The Park Owner shall distribute envelopes addressed to Ms. Campbell with the blank Survey forms to the Residents. Ms. Adams will tabulate the Surveys and provide both counsel with the results.
5. **Inspection of Original Surveys.** Counsel for the Residents Association and for the Park Owner shall be provided with copies of the Survey forms after the count is tabulated. In addition, Ms. Adams shall provide the original Survey forms to the office of the Santa Cruz County Counsel as public record.

Date: \_\_\_\_\_

Date: \_\_\_\_\_

On Behalf of the Resident Association

On Behalf of the Park Owner

Print Name \_\_\_\_\_

Print Name \_\_\_\_\_



## ALIMUR MOBILE HOME PARK

### CA Gov't Code § 66427.5(d)(1) SURVEY OF RESIDENTS

The owner of Alimur Mobile Home Park has filed an application with the County of Santa Cruz to convert Alimur Mobile Home Park to a resident owned condominium subdivision. California Government Code §66427.5(d)(5) requires the park owner to submit to the County a survey of resident support for the conversion, obtained through the enclosed written ballot.

Each occupied mobilehome space in Alimur Mobile Home Park is entitled to one vote in this survey. Accordingly, the enclosed ballot is being provided to your household to cast its vote in either support of or opposition to the proposed conversion. **IN ORDER FOR YOUR VOTE TO BE COUNTED, AT LEAST ONE ADULT RESIDENT OF YOUR SPACE OR AUTHORIZED LEGAL REPRESENTATIVE OR AGENT MUST SIGN IN ONE OF THE SIGNATURE SPACES.** Although there are two signature spaces at the end of this survey, only one is needed to cast a vote for each space. Please fill out your enclosed ballot and return it in the enclosed envelope that contains your space number written on its outside. Your ballot must be postmarked by August 30, 2008 to be included in the final survey results.

Your vote is important and both your resident homeowners' association and the park owner strongly urge you to cast your written ballot in this survey either in support of or in opposition to the proposed conversion to resident ownership. For more information you may wish to contact both of the following for an explanation of their views on the conversion and its impact on you:

**Resident homeowners' association representative:** Angela Dysle (831) 479-1935  
4300 Soquel Drive #212

**Park owner representative:** Susy Forbath (310) 393-4000 x. 255 (or you may leave your name & phone number with the park manager and Susy Forbath will return your call toll free).

The effect of a change of the method of ownership from a rental park to a resident owned condominium park, as proposed, provides a choice to the resident households. If the conversion is approved, residents may purchase their lot [space + condominium interest] or may continue to rent the lot on which their mobilehome is located. You can support the change of ownership to a resident owned condominium park without a personal desire to purchase your lot [space].

For purchasing residents, the appraised price of the lot [space] will not be set until after the proposed conversion has been approved by the County, but PRIOR to application to the California Department of Real Estate for issuance of the public report. This means that each resident will receive the appraised price of their lot [space] approximately six to nine months prior to being asked to make a decision as to whether or not they wish to purchase.

If the conversion is approved by such regulatory agencies, any future purchasers of your mobilehome will be required to purchase the lot [space] at a price that will be determined by the park owner as part of the regulatory approval process.

For non-purchasing residents, the space rent for their lots will no longer be covered by the "Mobilehome Rent Adjustment Ordinance" of Santa Cruz County (Santa Cruz Municipal

This Survey does not constitute an offer to sell a condominium unit or any other real estate interest in Alimur Mobile Home Park. An offer to sell can only be made after the issuance and delivery of the Final Public Report along with all statutorily required documents, including, without limitation, the HOA Budget, the Purchase/Sale Agreement, the HOA Articles & Bylaws, and the Declaration of Conditions, Covenants & Restrictions (CC&Rs).

By providing the information requested in this survey, you are not committing yourself to any decision with respect to the change in ownership, including, without limitation, whether you want to rent or to purchase if there is a change in the form of ownership of Alimur Mobile Home Park.

Code §13.21 *et seq.*) Instead, future rent charges will be determined pursuant to California Government Code §66427.5(f), which provides for the avoidance of the economic displacement of all non-purchasing residents under the following provisions:

- (1) *"As to non-purchasing resident who are lower income\* households, as defined in §50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period." (California Government Code §66427.5(f)(2))*

**\*2008 Lower Income limits for Santa Cruz County:**

1 person=\$48,750 per year; 2 persons=\$55,700 per year; 3 persons=\$62,650 per year;  
4 persons=\$69,600 per year; 5 persons=\$75,150 per year.

- (2) *"As to non-purchasing residents who are not lower income households, as defined in §50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four-year period." (California Government Code §66427.5(f)(1)) After which time the park owner(s) would be allowed to raise the rent to any level they choose.*

### Survey

Pursuant to California Government Code §66427.5(d)(1), please check one box below:

1. ☐ I/we support the current proposed conversion of the park to a resident owned condominium subdivision.
2. ☐ I/we do not support the current proposed conversion of the park to a resident owned condominium subdivision.

**BALLOT MUST BE SIGNED BY AT LEAST ONE PERSON IN ORDER TO BE COUNTED.**

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Space No.: \_\_\_\_\_

Day Tele: \_\_\_\_\_

This Survey does not constitute an offer to sell a condominium unit or any other real estate interest in Alimur Mobile Home Park. An offer to sell can only be made after the issuance and delivery of the Final Public Report along with all statutorily required documents, including, without limitation, the HOA Budget, the Purchase/Sale Agreement, the HOA Articles & Bylaws, and the Declaration of Conditions, Covenants & Restrictions (CC&Rs).

By providing the information requested in this survey, you are not committing yourself to any decision with respect to the change in ownership, including, without limitation, whether you want to rent or to purchase if there is a change in the form of ownership of Alumur Mobile Home Park.



Mr. Richard H. Close Bv mai

Richard Odenheimer  
MRE Commercial Real Estate

Re: Alimur Mobile Home Park  
Alimur Homeowners Association  
Survey for Proposed Conversion

Dear Mr. Close & Mr. Odenheimer:

I live at Alimur Mobile Home Park where I serve as the president of the Alimur Park Homeowners Association (Association). The Association is the only independent resident association at the Park. It has been active as an independent homeowners association since at least 1982. I was elected president on May 7, 2007 under our bylaws in an election that was open to all Park residents, i.e., for all 147 spaces in the Park.

The residents of the Park recently received your 60-day notice of your intent to submit a tentative subdivision map to the County of Santa Cruz (County) for conversion of the park to a resident owned park. Naturally, our Association members are very concerned about this proposal.

California Government Code §66427.5(d)(1) requires you to obtain, through a written ballot, a survey of resident support for the proposed conversion and to submit it to the County at the same time that you submit a tentative map. §66427.5(d)(2) requires you to conduct this written ballot under an agreement with the Park's independent resident homeowners association to ensure its impartiality and fairness.

On behalf of the Association, please accept this letter as notice that our Association is the only independent resident homeowners association at the Park. The Association hereby asserts the right of the Park residents, under §66427.5(d)(2), to have a written ballot-survey conducted of resident support for the proposed conversion under an agreement with our organization.

My understanding is that §66427.5(d)(2) prohibits you from creating, facilitating or using a "new" homeowners association for the purpose of conducting the survey for the proposed conversion. A "new" association such as that would not be "independent" and, therefore, any ballot conducted in coordination with it would be invalid and subject to challenge.

When you are prepared to conduct the written ballot, please contact me. I will be the Association's primary contact in arranging an agreement with you under which the ballot

*These people  
knew what  
they were  
doing!*

will be conducted. My address and phone number are printed below. The Association has considered this issue carefully and has some suggestions for items that should be included in the survey so that we will all have a clear understanding of the residents' opinions about the proposed conversion.

Please feel free to contact me if you have any questions about this letter. The Association is in the process of arranging for counsel to represent it but you may contact me until you are notified that the Association has secured representation.

Sincerely yours,  
Angela Dysle  
President, Alimur Homeowners Association





**Fw: New Survey**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/16/2014 08:56 AM

Sent by: **Cytasha Campa**

On Feb 4th Agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/16/2014 08:54 AM -----

From: Ella Biddle <ella805@hotmail.com>  
To: Board of Supervisors San Luis Obispo <boardofsuprs@co.slo.ca.us>  
Date: 01/16/2014 08:52 AM  
Subject: New Survey

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We are residents of Mesa Dunes Mobile Home Park and we would like to have a new ballot "survey" approved by our HOA and returned to an independent 3rd party.

We would like a ballot that complies with state laws. We were told that the survey was just to see how many people in the park would be interested in a conversion not that it was illegal survey.

Thank you for your consideration,  
Herb and Ella Biddle,



**Fw: new ballot survey for Mesa Dunes**

**Board of Supervisors** to: cr\_board\_clerk Clerk Recorder,  
BOS\_Legislative Assistants

01/27/2014 08:16 AM

Sent by: **Cytasha Campa**

On Feb 4 agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/27/2014 08:16 AM -----

From: Joyce Cook <joyce3906@sbcglobal.net>  
To: "boardofsups@co.slo.ca.us" <boardofsups@co.slo.ca.us>  
Date: 01/26/2014 10:18 AM  
Subject: new ballot survey for Mesa Dunes

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I am a resident of Mesa Dunes resident and I would like to have a new ballot "survey" approved by our HOA and returned to an independant 3rd party.

Thankyou  
Joyce Cook



**Fw: Mesa Dunes Survey**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/27/2014 08:16 AM

Sent by: **Cytasha Campa**

On Feb 4 agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/27/2014 08:16 AM -----

From: Michelle Ewing <photographybymeshell@gmail.com>  
To: boardofsups@co.slo.ca.us  
Date: 01/25/2014 02:29 PM  
Subject: Mesa Dunes Survey

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I am writing to ask that the Board of Supervisors approve a new ballot survey that is approved by our HOA and returned to an independent 3rd party. I do not feel the first one was done properly. I am a resident in

Thank you for your time

Michelle Ewing





**Fw: Mesa Dunes Survey**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/27/2014 08:17 AM

Sent by: **Cytasha Campa**

On Feb 4 agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/27/2014 08:17 AM -----

From: meenjke <meenjke@sbcglobal.net>  
To: "boardofsup@co.slo.ca.us" <boardofsup@co.slo.ca.us>  
Date: 01/25/2014 02:27 PM  
Subject: Mesa Dunes Survey

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Good Afternoon,

I am a resident of Mesa Dunes Community and feel we should have a new ballot "survey" that is approved by our HOA and then returned to and independent 3rd party.

James Ewing



**Fw: Mesa Dunes Subdivision Hearing / Conversion Ballot Issue**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/23/2014 02:49 PM

Sent by: **Cytasha Campa**

On Feb 4 agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/23/2014 02:48 PM -----

From: "Joe Stanton" <joe@bravenewsoftware.com>  
To: <boardofsups@co.slo.ca.us>  
Date: 01/23/2014 10:53 AM  
Subject: Mesa Dunes Subdivision Hearing / Conversion Ballot Issue  
Sent by: Joe Stanton <joestanton1962@gmail.com>

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To whom it may concern on the Board of Supervisors for San Luis Obispo County,

I would like to add my voice to those who are concerned that the original survey that the owners of Mesa Dunes Mobile Home Estates submitted to the state was not conducted in accordance with state law and guidelines for this activity. When I received this survey it was very confusing to understand. It was stated in the survey cover letter that this was formality and the owner would convert the park to resident owned with or without the resident population approval. This "only a formality" statement is incorrect and misleading at best, and possibly criminal on the part of the counsel for the owners, if it is criminal to misquote state requirements or laws to residents in attempt to execute a fait accompli.

I would ask the Board to reject the current application for subdivision conversion that the owners of Mesa Dunes has submitted and require a new survey to be taken, one which is written in accordance with state law and guidelines, with the participation of a legally represented group (the Mesa Dunes Homeowners Association), and the results tabulated and collated by a neutral third party (neither by the owners, or the HOA, or by any other resident group within Mesa Dunes).

Thank you for taking this concern of mine into consideration as you deliberate on February 4<sup>th</sup> 2013.

Joe Stanton  
Resident/Mesa Dunes,



**Fw: Mesa Dunes Mobilehome Park**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/24/2014 11:49 AM

Sent by: **Cytasha Campa**

On Feb 4 agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/24/2014 11:48 AM -----

From: Christine Burciaga <christineburciaga80@gmail.com>  
To: boardofsups@co.slo.ca.us  
Date: 01/24/2014 11:39 AM  
Subject: Mesa Dunes Mobilehome Park

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I am a resident at Mesa Dunes, and as more information has surfaced, it is important to the residents that a new ballot survey, approved by our HOA, be conducted and returned to an independent third party. Thank you for your serious consideration of this request.

Christine Burciaga





**Fw: Mesa Dunes Mobile Home Survey**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/27/2014 08:15 AM

Sent by: **Cytasha Campa**

On Feb 4 agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/27/2014 08:14 AM -----

From: ken sikes <professor.sikes@live.com>  
To: "Boardofsup@co.slo.ca.us" <boardofsup@co.slo.ca.us>  
Date: 01/27/2014 04:59 AM  
Subject: Mesa Dunes Mobile Home Survey

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January 27, 2014

Re: New Survey

Dear Sir,

I am currently and have for over five years been a resident of the Mesa Dunes Mobile Home Park. I am requesting that you vote for a new ballot or survey regarding the recent request for conversion. I was told this survey was a mute point, a technicality, and that the results were unimportant. In addition I was not fully informed and was not given adequate time to formulate an educated decision. Please allow this new ballot be approved by the homeowners association who represent the park and returned to an independent third party. It is the right thing to do!

Thank You,  
Kenneth Sikes



**Fw: Mesa Dunes Mobile Home Park Conversion**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/23/2014 02:49 PM

Sent by: **Cytasha Campa**

On Feb 4 agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/23/2014 02:49 PM -----

From: Mark Faubert <markfaubert@charter.net>  
To: boardofsups@co.slo.ca.us  
Date: 01/23/2014 01:39 PM  
Subject: Mesa Dunes Mobile Home Park Conversion

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Dear Board of Supervisors,

I am a current resident / homeowner in Mesa Dunes Mobile Home Park #137. I'm voicing today in favor of the conversion of the park to become resident owned. I'm a disabled individual on a fixed income, and as it stands now my rent continues to rise every year with no cap in site. I attended the meeting that Ms. Forbath held at our clubhouse June 17, 2013 that was to inform us of the eventual conversion plan. She explained the plan to covert and answered residents questions and concerns. Shortly thereafter, I received a survey in the mail that asked if you were in favor of the conversion and an explanation stating that this was just a barometer to find out how many residents were for or against the conversion. There was nothing forcing anyone to fill out the survey or to even acknowledge it. I did, and sent it back very much in favor. As it stands today, I won't be able to afford my rent as it continues to unreasonably increase. Please help the conversion go forward as soon as possible to help the low income residents living in this park.

Thank You for your action on this proposal.

Mark Faubert



**Fw: Mesa Dunes Mobile home park**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/21/2014 04:12 PM

Sent by: **Cytasha Campa**

On Feb 4th agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/21/2014 04:12 PM -----

From: thomas neyens <thomasneyens@yahoo.com>  
To: "boardofsups@co.slo.ca.us" <boardofsups@co.slo.ca.us>  
Date: 01/21/2014 10:49 AM  
Subject: Mesa Dunes Mobile home park

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I'm a resident of Mesa Dunes Mobile Home park. We would like to have a new ballot survey approved by our HOA and returned to an independent third party. This has been a railroaded and very one sided affair to date, we need to have a clear understanding as we proceed.  
thanks for your help.

sincerely Thomas Neyens





**To:** BOS\_Legislative Assistants@co.slo.ca.us, cr\_board\_clerk Clerk  
Recorder/ClerkRec/COSLO@Wings,  
**Cc:**  
**Bcc:**  
**Subject:** Fw: Mesa Dunes Mobile Home Park  
**From:** Board of Supervisors/BOS/COSLO - Friday 01/24/2014 04:11 PM  
**Sent by:** Cytasha Campa/BOS/COSLO

On Feb 4 agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/24/2014 04:11 PM -----

**From:** howard neely <hadamsneely@att.net>  
**To:** "boardofsups@co.slo.ca.us" <boardofsups@co.slo.ca.us>  
**Date:** 01/24/2014 04:05 PM  
**Subject:** Mesa Dunes Mobile Home Park

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Dear Board Of Supervisors,

I am a resident of Mesa Dunes Mobile Home Park, having moved there in 2008.

I'm in agreement on the decision of the SLO

County Planning Department to return the application for a subdivision at Mesa Dunes Mobile Home Park, as being incomplete and saying the application contains insufficient evidence to show that the resident support survey, was conducted in accordance with an agreement between the applicant and the Mesa Dunes Homeowners's Association, as required by subsection (d)(2) of CA Government Code Section 66427.5.

I have attended every meeting of the HOA and those conducted by MS Forbath, after we had been given the survey, which read like a "general interest" survey. At no time did we have a chance to meet the owners.

As we have found out in the last few months, no two residences were treated exactly the same. All new residences are asked to read a huge lease agreement that has been written by three different lawyers. Next, we were required to sign a lease agreement.

Recently, we find out that many of us had moved into a section of the park which was classified as under rent control, but, were never informed of such.

There have been at least three major owners of this park. Perhaps it is time for our present owner simply to find a buyer who would love to have a beautiful Mobile Home Park and charge rent control prices as mandated by the county.

Howard Neely

[Sent from Yahoo Mail for iPad](#)



**Fw: Mesa Dunes MHP Conversion**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/22/2014 04:55 PM

Sent by: **Cytasha Campa**

On Feb 4th agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/22/2014 04:54 PM -----

From: "Sue Stanton" <vsstanton@gmail.com>  
To: <boardofsups@co.slo.ca.us>  
Date: 01/22/2014 01:09 PM  
Subject: Re: Mesa Dunes MHP Conversion

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Re: County meeting Februay 4<sup>th</sup> for a decision for another proper and legal survey to be given to the entire park residents of Mesa Dunes MHP.

We moved to this park a little over two years ago. As you know, the owner intends to sell the park to the residents. My husband and I are in the large group of residents that have issues with the owners in their communication and intentions. Our trust is broken with the process.

We do not want our properties to be over priced by the owners. They will not give us any estimates of the land. The process is difficult and many in the park are elderly or ill and they have been literally in the dark about the process. We do not believe the owners follow the rules of the land for mobile home parks.

Please allow the residents a survey that gives them a yes or no on conversion. We are not against the conversion, but we are against prices too high to afford or for our park.

Thank you,

Sue and Joe Stanton



**Fw: Mesa Dunes MHP conversion**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/23/2014 10:42 AM

Sent by: **Cytasha Campa**

On Feb 4 agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/23/2014 10:42 AM -----

From: Frances Royster <bonroyst@mac.com>  
To: boardofsups@co.slo.ca.us  
Date: 01/23/2014 10:41 AM  
Subject: Mesa Dunes MHP conversion

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I am a resident of Mesa Dunes MHP.

Please know that I do NOT support efforts to require another survey of residents regarding the proposed conversion.

I voted in the survey already taken, and I don't see why my vote should be tossed out -- esp'ly not on the grounds that I didn't understand the process. I understood perfectly well, thank you.

Thank you for the work you do on behalf of SLO county.

Frances Royster



**Fw: Mesa Dunes Conversion Survey**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/24/2014 11:49 AM

Sent by: **Cytasha Campa**

On Feb 4 agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/24/2014 11:49 AM -----

From: Dotties Place <ibdottie@sbcglobal.net>  
To: "boardofsupps@co.slo.ca.us" <boardofsupps@co.slo.ca.us>  
Date: 01/24/2014 09:32 AM  
Subject: Mesa Dunes Conversion Survey

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To Whom It May Concern:

I live in Mesa Dunes Mobile Estates and have concerns about the conversion survey mailed to residents in the park to complete. We were told the survey was just a formality and not that important. After talking to a lot of the homeowners in the park they are saying they didn't understand the survey choices as there were several to choose from and they didn't know it was important to send it back. I would like to see the residents receive another survey to do and one with a simple yes or no answer...like.. yes, I am for the conversion or no, I am not for the conversion.

Thank you  
Dorothy Compton





**Fw: Mesa Dunes Conversion**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/23/2014 08:13 AM

Sent by: **Cytasha Campa**

On Feb 4th agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/23/2014 08:13 AM -----

From: <pgmaggio@sbcglobal.net>  
To: "boardofsup@co.slo.ca.us" <boardofsup@co.slo.ca.us>  
Date: 01/22/2014 09:12 PM  
Subject: Mesa Dunes Conversion

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Hi my name is Gail Maggio and I am the treasurer on the HOA at Mesa Dunes Park. I was at the meeting that Suzy Forbath held on June 17, 2013 and also at the meeting the next day regarding the survey.

The HOA was not informed about the survey prior to the June 17th meeting as they should have, and at that meeting we were told that the survey did not account for anything and it was just a formality and most people would not even send them in and that was OK. When we were told the only time Ms Forbath would meet with the HOA was the next day. When we met we were given the survey to look at and we did not have a chance to discuss the survey between ourselves or take the survey home to have a meeting and discuss the issue.

**I would like to have a new survey** because I think the old survey was not legal. I don't think anyone in the park really knew how to fill out or what to fill out on the survey and what the survey really meant. Also, I believe that the survey was to be given to a third party which it was not, it was sent to the Park owners attorney's and they are the ones that made up the survey, collected the survey and tallied the survey, this seems a bit illegal to me.

If the owners were forthright at the beginning and first came to the HOA as the law says had the HOA prepare the survey, gave us an estimate of what they would be asking for the lots and discussed the infrastructure and what the conversion was all about with all the residences we would not be in this predicament now.

**All we are asking is to have a new survey**, most of the residences in the park are now aware of what the survey is all about and can now make a reasonable decision on how to fill out the survey. Also, if we knew an estimate of what the owners want for the lots and if we could afford them would also help everyone in filling out the survey.

This is where we all want to live and we don't want to have to worry about losing our homes.

Thank you for your time

Gail Maggio

Sent from Windows Mail



**Fw: Mesa Dunes Ballot Survey**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/23/2014 04:25 PM

Sent by: **Cytasha Campa**

On Feb 4 agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/23/2014 04:25 PM -----

From: gossip2@charter.net  
To: boardofsups@co.slo.ca.us  
Date: 01/23/2014 04:23 PM  
Subject: Mesa Dunes Ballot Survey

---

I am a Mesa Dunes resident and my husband and I would like to have a new ballot "survey" approved by our HOA and returned to an independent party.

Thank you,  
Kathy and Rod Goss



**Fw: Mesa Dunes**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/23/2014 08:12 AM

Sent by: **Cytasha Campa**

On Feb 4th agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/23/2014 08:12 AM -----

From: "Boggess, Bob T." <Bob.Boggess@iesupply.com>  
To: "boardofsups@co.slo.ca.us" <boardofsups@co.slo.ca.us>  
Date: 01/23/2014 07:51 AM  
Subject: Mesa Dunes

---

Hello I have lived at Mesa Dunes since 2001 in hopes of having the choice to buy my lot some day , I would love to have the opportunity to do so !!!!. I currently pay almost a \$1000 a month space rent , take that times my years of living at Mesa Dunes I could almost owned my lot . It is so sad to see those so opposed to it to maybe take my opportunity away from my wife and I . So much negativity and beterness towards the owners trying to make our and there dreams come true , they have a right to do as they wish with there investment just as we do !!. Please keep an open mind to both sides but don't take the rights away from ownership . I think this a great opportunity for all wether they buy or not , we really look forward to living in this great community for years to come .

Thank you , Bob Boggess

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**Fw: Fax Via MB-1350 - 1/23/2014 9:30:17 PM**  
**Cytasha Campa** to: cr\_board\_clerk Clerk Recorder

01/24/2014 08:09 AM

On Feb 4 agenda

Kindest regards,

**Cytasha Campa**

Board Secretary

Board of Supervisors

San Luis Obispo County

805-781-4335

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/24/2014 08:09 AM -----

From: "SLO County Voice Mail" <SLO\_Voice\_Mail@co.slo.ca.us>  
To: bos\_fax@co.slo.ca.us  
Date: 01/23/2014 09:30 PM  
Subject: Fax Via MB-1350 - 1/23/2014 9:30:17 PM

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Thank you. 0393845351-91.pdf

**Please take a little time and email or write the Board of Supervisors  
Today and prior to February 4th !!!**

On February 4th the Board of Supervisors will hear an appeal from the Park's attorneys. The SLO County Planning Department returned their application for subdivision as being "incomplete" and said that "the application contains insufficient evidence to show that the resident support survey was conducted in accordance with an agreement between the applicant and the Mesa Dunes Homeowner's Association, as required by subsection (d)(2) of CA Government Code Section 66427.5.

During her "informational meetings" held June 17, 2013, Ms. Forbath misled us by saying the survey was merely a "preliminary indication of interest" and further that the "support survey doesn't mean anything" and "is just a formality." **This is far from the truth - this is the only time in this process that homeowners get to state their opinion of the conversion.**

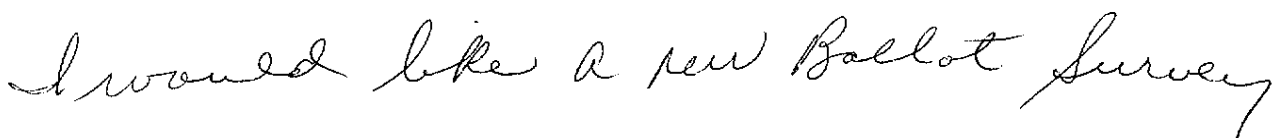
**The HOA Board was further told that they "had" to meet with her the next day. We were misled and coerced into meeting with her on the 18th uninformed and unrepresented by council. At that meeting Ms. Forbath gave us each a sample of the ballot they had prepared and told us they were sending it out the following Monday. We were not told that we had the right to negotiate the contents of the ballot and its conduct. One Board member did complain that the text of the "disclaimer paragraph" at the bottom was too small to read and one of us argued that we needed more than a week to return them because of the July 4th holiday. We were not even allowed to keep a sample copy of the ballot. They did not obtain the required resident support survey balloting agreement from our HOA Board.**

**Please contact the Board of Supervisors. Tell them you are a Mesa Dunes resident and that we would like to have a new ballot "survey" approved by our HOA and returned to an independent 3rd party.**

Email: [boardofsup@co.slo.ca.us](mailto:boardofsup@co.slo.ca.us)

Fax: (805) 781-1350

Mail: SLO County Board of Supervisors  
1055 Monterey, Room D430  
San Luis Obispo, CA 93408



**Please take a little time and email or write the Board of Supervisors  
Today and prior to February 4th !!!**

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Email: [boardofsup@co.slo.ca.us](mailto:boardofsup@co.slo.ca.us)

*Sharon Santos*

Fax: (805) 781-1350 —

Mail: SLO County Board of Supervisors  
1055 Monterey, Room D430  
San Luis Obispo, CA 93408

*Totally Against This Crap and  
Would like a new ballot*

Agenda Item No: 19 • Meeting Date: February 4, 2014  
Presented By: Board of Supervisors Secretary  
Rec'd prior to the meeting & posted on: January 29, 2014





**Fw: Fax Via MB-1350 - 1/21/2014 1:18:16 PM Caller 8055468594 -**

**Cytasha Campa** to: BOS\_Legislative Assistants, cr\_board\_clerk  
Clerk Recorder

01/21/2014 01:22 PM

On Feb 4th Agenda

Kindest regards,

# Cytasha Campa

Board Secretary

Board of Supervisors

San Luis Obispo County

805-781-4335

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/21/2014 01:21 PM -----

From: "SLO County Voice Mail" <SLO\_Voice\_Mail@co.slo.ca.us>  
To: bos\_fax@co.slo.ca.us  
Date: 01/21/2014 01:18 PM  
Subject: Fax Via MB-1350 - 1/21/2014 1:18:16 PM Caller 8055468594 -

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Thank you. 0393643047-40.pdf

To: Board of Sups. Co. slo. ca. us

From: Mary Ann Service

Re Mesa Dunes Mobile Home Conversion

Meeting Feb 4 2014.

Please let this serve as my request & hope  
that a "new" ballot survey" be conducted  
& approved by our HOA. and returned to  
an independent 3rd party.

Thank-you.

Mary Ann Service

Resident since 1996.

**Please take a little time and email or write the Board of Supervisors  
Today and prior to February 4th !!!**

On February 4th the Board of Supervisors will hear an appeal from the Park's attorneys. The SLO County Planning Department returned their application for subdivision as being "incomplete" and said that "the application contains insufficient evidence to show that the resident support survey was conducted in accordance with an agreement between the applicant and the Mesa Dunes Homeowner's Association, as required by subsection (d)(2) of CA Government Code Section 66427.5.

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The HOA Board was further told that they "had" to meet with her the next day. We were misled and coerced into meeting with her on the 18th uninformed and unrepresented by council. At that meeting Ms. Forbath gave us each a sample of the ballot they had prepared and told us they were sending it out the following Monday. **We were not told that we had the right to negotiate the contents of the ballot and its conduct.** One Board member did complain that the text of the "disclaimer paragraph" at the bottom was too small to read and one of us argued that we needed more than a week to return them because of the July 4th holiday. **We were not even allowed to keep a sample copy of the ballot. They did not obtain the required resident support survey balloting agreement from our HOA Board.**

**Please contact the Board of Supervisors. Tell them you are a Mesa Dunes resident and that we would like to have a new ballot "survey" approved by our HOA and returned to an independent 3rd party.**

Email: [boardofsupr.co.slo.ca.us](mailto:boardofsupr.co.slo.ca.us)

Fax: (805) 781-1350

Mail: SLO County Board of Supervisors  
1055 Monterey, Room D430  
San Luis Obispo, CA 93408



**Fw: Conversion of Mesa Dunes**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/21/2014 04:13 PM

Sent by: **Cytasha Campa**

On Feb 4th Agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/21/2014 04:13 PM -----

From: Sharon McMahan <mcmahanse@att.net>  
To: "boardofsup@co.slo.ca.us" <boardofsup@co.slo.ca.us>  
Date: 01/21/2014 02:51 PM  
Subject: Conversion of Mesa Dunes

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SLO County Board of Supervisorsemail.docx

San Luis Obispo County Board of Supervisors:

As a longtime resident I am very concerned about the "forced conversion" of Mesa Dunes Mobilehome Park. We were fed a lot of half-truths and lies by the park owners representative, paralegal Suzy Forbath. Then we were sent a ballot which she said was "merely a preliminary indicator of interest", "not important", and "just a formality". All untrue! **This is the only time in this process that homeowners get to state their opinion of a conversion.**

For many of us our homes are our only asset. Many here are on disability, seniors on fixed incomes, and others with low incomes. We purchased at Mesa Dunes because it was a rental park - there were several other parks where you could purchase your space or a share of the park, but **we bought what we could afford.** Yes, the rest of us can stay and rent, but if you are not considered "low income" our rents will go up so much we will be priced out.

And, if we try to sell (almost 40 have sold since July 1st) you can only get a fraction of what they were worth before the conversion was announced. **We have already lost any equity that we had in our homes.** I feel especially sorry for people who purchased shortly before the conversion was announced - they purchased thinking they could rent for a lifetime and now find out that they will have to borrow a lot of more money to even keep their new home or try to find someone who will buy it because they can no longer afford it. If they wait until after the conversion, they also must find someone who will purchase the land. AND, that's the big question "HOW MUCH?" They won't give us prices - **HOW can ANYONE say they're interested in purchasing if they don't know the price?** No matter how many times we have asked, they won't even give us a range of prices!

I guess the worst part of this whole thing is the uncertainty. I know of two couples who sold mainly because the not knowing what was next was affecting their health. I know how they feel....I've lost several long-time friends and I'm worried about where I can go and where I can find something I can afford. We all know the shortage of Affordable Housing here in SLO County. If this conversion goes through, we'll lose about 180 homes that still should be under rent control and affordable (all 186 units in the old section of the park minus a few that are 2nd homes).

That's another thing. **Mesa Dunes has managed to get almost all the residents in the old section off of their rent control.** They would not follow the rules and allow a space to remain under rent control when it was sold. Just last month, Ted Bench, SLO County Housing & Economic Development, sent them a letter informing them they are in conflict with the state and local codes that govern rental agreements and rental increases. Several residents are seeking legal help to try to win return of their rent control.

I urge you to carefully consider the ballot we were sent and then explain to us how any reasonable person could vote "Yes" they are interested in purchasing their space without knowing the price. I think you will agree with us that we should be given another ballot which is negotiated and approved by our HOA.

Sincerely, Sharon McMahan



**Fw: Conversion for Mesa Dunes Mobile Estates**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/27/2014 08:14 AM

Sent by: **Cytasha Campa**

On Feb 4 agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/27/2014 08:14 AM -----

From: "Juli Kay" <julikay@charter.net>  
To: <boardofsups@co.slo.ca.us>  
Date: 01/27/2014 07:29 AM  
Subject: Conversion for Mesa Dunes Mobile Estates

---

To Whom It May Concern:

I live at Mesa Dunes and the owners are asking you for a conversion from their ownership to resident owned. However, they have NOT complied with the law in sending us the survey. We were asked questions which made no sense AND told by their Representative Suzy Forbath that the survey made no difference and was of no real consequence to us.

We have now learned it is of major consequence to us, and we no longer trust them to be talking to us in good faith. We urge you to agree with the Planning Commission and make them do a new survey following the law.

Thank you.

Julie K. Smith





**Fw: conversion**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/24/2014 11:49 AM

Sent by: **Cytasha Campa**

On Feb 4 agenda

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/24/2014 11:49 AM -----

From: Joseph Soucek <jbsoucek@yahoo.com>  
To: "boardofsup@co.slo.ca.us" <boardofsup@co.slo.ca.us>  
Date: 01/24/2014 09:58 AM  
Subject: conversion

---

I am a resident of Mesa Dunes mobile home park. I would like to have a new ballot survey approved by our HOA and returned to a third independent party.  
Joseph Soucek



**Fw: AG Mesa Dunes lot conversion plan**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/27/2014 10:58 AM

Sent by: **Jocelyn Brennan**

On Feb 4, 2014 agenda

----- Forwarded by Jocelyn Brennan/BOS/COSLO on 01/27/2014 10:51 AM -----

From: Chris Bingaman <c.bing@sbcglobal.net>  
To: "boardofsups@co.slo.ca.us" <boardofsups@co.slo.ca.us>  
Date: 01/27/2014 10:08 AM  
Subject: AG Mesa Dunes lot conversion plan

---

Supervisors, thanks for all you do for our county. Your efforts are appreciated. Our first time to communicate with you, so it's proof of our concern.

You will be debating and perhaps deciding Tuesday on our park owners appeal of the Planning Commission decision to return their application for subdivision as "incomplete".

The Commission apparently agreed that the support survey was not conducted in accordance with an agreement between the applicant and the Mesa Dunes Homeowners Association. My wife and I, knowing this was occurring at that time, did not turn in a survey for that reason. Many others felt the pressure and undue time restraints from the park owners, turned them in, and wish they hadn't.

There has been much talk about the lack of and providing affordable housing in the county. We believe this is a critical issue for our county, but also believe now is the chance for you as our Supervisors to do something to "maintain" a valuable source of our current affordable housing here in the county. Not only do we implore you to vote to back the Planning Commissions decision of incomplete survey, but the request another survey approved by our Homeowners Association and returned to an independent third party. Also, we feel that an estimate of lot prices within a certain percentage point of accuracy should be provided by our park owners ASAP. This would allow for the home owners to plan accordingly and continue our small part of the county affordable housing efforts.

Thanks,

Chris and Linda Bingaman  
Mesa Dunes Homeowners

c.bing@sbcglobal.net

Sent from my iPad  
c.bing@sbcglobal.net



**Fw: Mesa Dunes Mobile Home Park/ Meeting 2/4/14**

**Board of Supervisors** to: BOS\_Legislative Assistants,  
cr\_board\_clerk Clerk Recorder

01/15/2014 04:16 PM

Sent by: **Cytasha Campa**

On Feb 4th Agenda.

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/15/2014 04:15 PM -----

From: Sharon Nelson <lazydayz@att.net>  
To: "boardofsups@co.slo.ca.us" <boardofsups@co.slo.ca.us>  
Date: 01/15/2014 12:20 PM  
Subject: Re: Mesa Dunes Mobile Home Park/ Meeting 2/4/14

---

I live in the Mesa Dunes Mobile Home Park. Please stand by the SLO County Planning Department's decision that the application for subdivision contains insufficient evidence to show that the resident support survey was conducted in accordance with an agreement between the applicant and the Mesa Dunes Homeowner's Association as required by subsection (d)(2) of Ca Gov code Section 66427.5

I wasn't a HOA board member when the lawyers for the park met with the board, but I am now, and I can tell you with certainty that by listening to all the board members, the lawyers were slick and barged their way in and TOLD the board how it was going to be, like it or not, government rules be damned we are doing it our way.

The board has talked to almost all the residents here in the park about the survey and got their opinions and learned how so many of the residents were not informed and were frightened to sign the survey. We were also told that the survey really doesn't mean anything it's just to get an idea of what the residents want, and yet here we are fighting about the survey.

The bottom line is, the lawyers for Mesa Dunes Mobile Home Park did not conduct the survey legally. The Home Owners Association did not agree nor did they authorize the survey, they were told what was going to happen. Please allow a new survey, let's find out legally what the residents really want.

Thank you for your consideration,  
Sharon Nelson

[lazydayz@att.net](mailto:lazydayz@att.net)



**Fw: Mesa Dunes**

**Board of Supervisors**

to: Adam Hill, Bruce Gibson, Caren Ray,  
Cherie McKee, Debbie Arnold,  
Elizabeth Ruth, Frank Mecham,

01/27/2014 02:57 PM

Sent by: **Jocelyn Brennan**

----- Forwarded by Jocelyn Brennan/BOS/COSLO on 01/27/2014 02:56 PM -----

From: faith springer <faithandwally@yahoo.com>  
To: "boardofsups@co.slo.ca.us" <boardofsups@co.slo.ca.us>  
Date: 01/27/2014 02:52 PM  
Subject: Mesa Dunes

---

Dear Board of Supervisors:

My name is Wallace Springer. I am an owner resident at Mesa Dunes Mobile Home Park, 765 Mesa View Drive #288, Arroyo Grande, CA. 93420.

I am contacting you today regarding the upcoming meeting scheduled on February 4, 2014, regarding the appeal of the application for subdivision conversion of Mesa Dunes Mobile Home Park.

I do not feel that the survey that has been done was done in good faith. At the meeting that I attended, lead by Ms. Forbath, she stated that the survey didn't really matter that it was just a formality. Therefore, I am in favor of a decision, made by the Board of Supervisors, that would require a new ballot survey be done that has been approved by our HOA. Then, I would like the results of the survey returned to an independent 3rd party.

Thank you for your attention to this matter and for your consideration of this request.

Wallace Springer



**Fw: Mesa Dunes Survey**

**Board of Supervisors** to: Adam Hill, Bruce Gibson, Caren Ray,  
Cherie McKee, Debbie Arnold,  
Elizabeth Ruth, Frank Mecham,

01/29/2014 01:48 PM

Sent by: **Jocelyn Brennan**

on 2/4/14 agenda

----- Forwarded by Jocelyn Brennan/BOS/COSLO on 01/29/2014 01:47 PM -----

From: Franchelle Ellison <gmaf528@gmail.com>  
To: boardofsups@co.slo.ca.us  
Date: 01/28/2014 12:31 PM  
Subject: Mesa Dunes Survey

---

As a residents of Mesa Dunes, Space 119, with her consent, Sharon Santos, Space 120, request a new ballot survey approved by our HOA for the request to conversion.

Thank you, Franchelle Ellison and Sharon Santos



**Fw: Mesa Dunes Mobile Home Park cover letter**

**Board of Supervisors** to: Adam Hill, Bruce Gibson, Caren Ray,  
Cherie McKee, Debbie Arnold,  
Elizabeth Ruth, Frank Mecham,  
Sent by: **Jocelyn Brennan**

01/29/2014 12:59 PM

----- Forwarded by Jocelyn Brennan/BOS/COSLO on 01/29/2014 12:58 PM -----

From: Jeff McAlister <jcmcalister1@gmail.com>  
To: boardofsups@co.slo.ca.us  
Date: 01/27/2014 07:12 PM  
Subject: Mesa Dunes Mobile Home Park cover letter

---

All;

I thought this may also backup our claim how the park owners attorney glassed over the importance of the survey required for the application for a conversion. Please read the third paragraph in the letter from Susy Forbath. The poor response from the residents to return the survey was set up by the words "The survey results will merely provide a preliminary indicator of interest".

Thanks Jeff McAlister



MDMHP Survey Cover Letter.pdf



LAW OFFICES  
**GILCHRIST & RUTTER**  
PROFESSIONAL CORPORATION

E-MAIL: [sforbath@gilchristutter.com](mailto:sforbath@gilchristutter.com)

June 24, 2013

To All Residents of Mesa Dunes

Re: Conversion to Resident Ownership

Dear Resident:

As you know, we have begun the process of converting Mesa Dunes to a **resident owned community**.

When the subdivision process is completed, as a current homeowner you will have the opportunity to purchase the lot beneath your home, or you may continue to rent as a tenant. Ownership will be an option, not a requirement - *no one will be evicted*.

We understand that you do not currently have enough information to make a final decision. The survey results will merely provide a preliminary indicator of interest. By providing the information requested in this Survey, you are not committing yourself to any decision with respect to the change in ownership, including, without limitation, whether you want to rent or to purchase if there is a change in the form of ownership of the Park. The demographic results, particularly the income levels, will help us to determine how much State funding will likely be applied for on behalf of lower income buyers, as well as what rental protections should be considered as we move forward.

The form and conduct of this survey has been approved by the Board of Directors of the Mesa Dunes Homeowners Association. A self-addressed stamped envelope has been enclosed, or if you prefer, there is a box in the manager's office and you may just drop your survey (in a sealed envelope) there. Please make sure your space number is on the envelope.

In order for your survey response to be included in the final survey results, responses must be postmarked by July 10, 2013.

It is possible to support the conversion without an interest in purchasing your lot. If you ultimately choose to continue to rent after conversion, please remember that if you are a lower-income\* resident, your rent will be protected for as long as you live in Mesa Dunes, *even if you currently do not reside under local rent control*.

Agenda Item No: 19 • Meeting Date: February 4, 2014

Presented By: Jeff McAlister

\*2013 Lower Income for San Luis Obispo County: 1 person household = \$48,150; 2 person household = \$48,250; 3 person household = \$54,300; 4 person household = \$60,300; 5 person household = \$65,150.

LAW OFFICES  
**GILCHRIST & RUTTER**  
PROFESSIONAL CORPORATION

To All Residents of Mesa Dunes  
June 24, 2013  
Page 2

Please call me if you have any questions.

Very truly yours,

GILCHRIST & RUTTER  
Professional Corporation

A handwritten signature in black ink, appearing to read 'Susy Forbath', written over the printed name.

Susy Forbath  
Senior Paralegal, Mobilehome Park  
Consultant

Enclosure

349853\_1.DOCX  
5168.001



**Fw: May 4, 2014 BOS hearing on Mes Dunes Conversation Application Incompleteness Determination .**

**Cytasha Campa** to: BOS\_Legislative Assistants, cr\_board\_clerk  
Clerk Recorder

01/29/2014 09:21 AM

Kindest regards,

**Cytasha Campa**

Board Secretary

Board of Supervisors

San Luis Obispo County

805-781-4335

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/29/2014 09:21 AM -----

From: Airlin Singewald/Planning/COSLO  
To: Cytasha Campa/BOS/COSLO@Wings  
Cc: Whitney McDonald/Counsel/COSLO@Wings  
Date: 01/29/2014 09:03 AM  
Subject: Fw: May 4, 2014 BOS hearing on Mes Dunes Conversation Application Incompleteness Determination.

---

Please post this additional correspondence received on the Mesa Dunes Appeal (Item 19, February 4).  
Thanks.

Airlin Singewald  
San Luis Obispo County  
Department of Planning and Building  
(805) 781-5198  
asingewald@co.slo.ca.us

----- Forwarded by Airlin Singewald/Planning/COSLO on 01/29/2014 09:00 AM -----

From: William Constantine <wconstantinesantacruz@gmail.com>  
To: asingewald@co.slo.ca.us, wmcDonald@co.slo.ca.us, William Constantine <wconstantinesantacruz@gmail.com>, Jeff McAlister <jcmcalister1@gmail.com>, Sharon McMahan <mcmahanse@att.net>  
Date: 01/28/2014 01:20 PM  
Subject: May 4, 2014 BOS hearing on Mes Dunes Conversation Application Incompleteness Determination.

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Dear Mr, Singewald:

Please consider the attached two letters and document in preparing your staff report for the February 4, 2014 - Board Of Supervisors' consideration of your Department's incompleteness determination on the Mesa Dunes MHP conversion application, and please submit these documents into the administrative record of that proceeding.

Sincerely,

Will Constantine

**William J. Constantine, Attorney**

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01-HOA-ByLaws.pdf 01-McMahan01-28-14Ltr-Signed.pdf 01-WJC-to-Singewald-MesaDunes-01-28-14.pdf

**BYLAWS of  
Mesa Dunes Homeowners Association, Inc.  
A Non-Profit Corporation**

**Article I  
Recitals**

**Section 1. Name of Association.** The name of this incorporated association shall be Mesa Dunes Homeowners Association and shall be referred to herein as the "Association".

**Section 2. Purpose and Objectives.** The specific and primary purposes of this Association shall be:

- (1) Represent the interests of member homeowners within the Mesa Dunes Mobilehome Park, and
- (2) Foster, assist and promote community interest within its' membership.

**Article II  
Principal Office**

**Section 1. Location of Principal Office.** The principal office of the Association will be located at Post Office Box 7233, Halcyon, CA 93420.

**Article III  
Membership**

**Section 1. Members.** The members of this Association will be resident homeowners within the Park. No owners or owner's representative, including Park manager or assistant manager or employees of the Park, may join the Association or attend Association meetings, unless at the request of the Board. There shall be one (1) vote per member mobilehome unit, which may be exercised in person or by proxy, executed in writing by a qualified member of the household naming a qualified member to act accordingly.

**Article IV  
Board of Directors**

**Section 1. General Association Powers.** The business and affairs of the Association shall be vested in and exercised by the Association's Board of Directors ("Board"). Subject to the limitations expressed herein, the Board may delegate the management of the activities of the Association to any member or members, or committee, provided that notwithstanding any such delegation the activities and affairs of the Association shall continue to be managed and all Association powers shall continue

to be exercised under the ultimate direction of the Board. The specific powers of the Board, and the limitations thereon are set forth in Article V hereof.

**Section 2. Number and Qualification of Directors.** The Board shall consist of members and shall not be less than five (5) nor more than nine (9) persons. Directors must be a full-time resident homeowner of Mesa Dunes Mobilehome Park and a member of the Association.

**Section 3. Election and Term of Office.** The Directors shall be elected at the Annual Meeting of the Board in staggered terms so that one-half of the Directors plus one additional director are elected in even-numbered years and the remainder of the directors are elected in odd-numbered years. Each such director shall hold office for two (2) years and until a successor has been elected, except for the year of incorporation in which one-half of the directors plus one additional director shall serve a two (2) year term and the remaining directors shall serve a one (1) year term.

**Section 4. Nominations.**

(a) **Nominations.** Except at the initial meeting of the Association, at least 30 days prior to the date of any election of directors, the Board shall select qualified candidates for election to those positions on the Board whose terms are then expiring. The Board shall nominate at least one candidate for each position to be filled. Nominations may also be made from the floor at the annual meeting prior to election of directors.

(b) **Election of Directors.** The election of directors shall take place at the annual meeting of the Board by secret ballot, provided however, that vacancies may be filled prior to the annual meeting date as provided in Section 5, below.

**Section 5. Removal of Directors and Filling Vacancies on the Board of Directors.**

(a) **Vacancies, Generally.** A vacancy or vacancies in the Board of Directors shall be deemed to exist on the occurrence of any of the following: (i) the death, resignation or removal of a director, or (ii) an increase of the authorized numbers of directors.

(b) **Resignation of Directors.** Except as provided in this subparagraph, any director may resign, which resignation shall be effective on giving written notice the President, the Secretary, or the Board, unless the notice specifies a later time for the resignation to become effective. If the resignation of a director is effective at a future time, the Board of Directors may elect a successor to take office when the resignation becomes effective.

- (c) Filling of Vacancies. Unless a vacancy is created by removal of a director from office, vacancies on the Board may be filled by the vote of a majority of a quorum of the Board or if the number of directors then in office is less than a quorum, the vacancy may be filled by (A) the unanimous written consent of the remaining directors, (B) the affirmative vote of a majority of the remaining members of the Board at a duly held meeting or (C) by the sole remaining director.
- (d) Authority of the Board to Remove Directors for Cause. The Board of Directors shall have the power and authority to remove a director and declare his or her office vacant if he or she has (i) been declared of unsound mind by a final order of court; (ii) been convicted of a felony; (iii) been found to have breached any duty under Sections 5230 through 5237 of the California Nonprofit Public Benefit Corporation Law (relating to the standards of conduct of directors); or (iv) been absent from three or more consecutive board meetings without having given notice.
- (e) Removal of Directors without Cause. Except as otherwise provided in subparagraph (d) above, a director may only be removed from office prior to expiration of his or her term by the affirmative vote of a majority of the directors then in office.
- (f) Reduction in Number of Directors. No reduction of the authorized number of directors shall have the effect of removing any director before a director's term of office expires.

## Article V Duties and Powers of the Board

Section 1. General Association Powers. The Association's activities and affairs shall be managed, and all Association powers shall be exercised by or under the direction of the Board.

Section 2. Specific Powers. Without prejudice to the general powers set forth in Section 1 above of these bylaws, but subject to the same limitations, the directors shall have the power to:

- (a) Appoint and remove, at the pleasure of the Board, all the Association's officers, agents, and employees; prescribe powers and duties for them that are consistent with law and with these bylaws.



- (b) Change the principal office or the principal business office in California from one location to another; cause the Association to be qualified to conduct its activities in any other state, territory, dependency, or country and conduct its activities within or outside California; and designate any place within or outside California for holding any meeting of members.
- (c) Borrow money and incur indebtedness on behalf of the Association and cause to be executed and delivered for the Association purposes, in the Association name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations, and other evidences of debt and securities.
- (d) Correspondence. No correspondence, Newsletter, or other communications shall be sent out without prior approval of the Board.

**Section 3. Limitations on Powers.** This Association shall not make any loan of money or property to, or guarantee the obligation of, any director or officer. This provision shall not apply to the reasonable advance on account of expenses anticipated to be incurred in the performance of the director's or officer's duties.

## **Article VI**

### **Board and Association Meetings**

**Section 1. Place of Meetings; Meetings by Telephone.** Regular and special meetings of the Board of Directors shall be held within the Park, at a place that has been designated from time to time by resolution of the Board and stated in the notice of the meeting. Notwithstanding the above provisions of this Section 1, a regular or special meeting of the Board may be held at any place consented to by all the Board members, either before or after the meeting.

**Section 2. Annual Meeting of Association Members.** The annual meeting of members of the Association shall be held on the second Tuesday of February of each year at the Park Upper Clubhouse meeting facility. If the annual meeting date falls on a legal holiday, the annual meeting shall be held at the same hour and location on the next day following the regular meeting date. Any Association member and Board-invited guests only may attend such meetings.

**Section 3. Other Regular Meetings.** Other regular meeting of the Board shall be held without notice at such time and place as may be fixed by the Board of Directors from time to time.

**Section 4. Special Meeting of the Board.** Special meetings of the Board of Directors for any purpose may be called at any time by the President, Vice-President, Secretary or any two directors.

Section 5. Conduct of Meetings. Regular and special meetings of the Board shall be open to all members of the Association; provided, however, that Association members who are not on the Board may not participate in any deliberation or discussion unless expressly so authorized by the vote of a majority of a quorum of the Board. The Board may, with the approval of a majority of the quorum of the members of the Board present at a meeting in which a quorum for the transaction of business has been established, adjourn a meeting and reconvene in executive session to discuss and vote upon personnel matters, litigation in which the Association is or may become involved and orders of business of a similar or otherwise sensitive nature. The nature of any and all business to be considered in executive session shall first be announced in open session.

Section 6. Notice of Meeting.

(a) Manner of Giving. Notice of the time, date and place of any special meetings of the Board shall be given to each director and to any member requesting notice by one of the following methods: (1) by personal delivery of written notice, (2) by first-class mail, postage prepaid; (3) by telephone communication, either directly to the director or to a person at the director's home or office who would reasonably be expected to communicate such notice promptly to the director; or (4) by telegram, charges prepaid. All such notices shall be given or sent to the director's address or telephone number as shown on the records of the Association. Notice of a meeting need not be given to any director who signs a written waiver of notice or a written consent to holding the meeting or an approval of the minutes thereof, whether before or after the meeting, or who attends the meeting without protesting, prior thereto, or at commencement of the meeting, the lack of notice to such director. All such waiver, consents and approvals shall be filed with the Association records or made a part of the minutes.

(b) Time Requirements. Notices sent by first-class mail shall be deposited in the United States mail at least four (4) days before the time set for the meeting. Notices given by personal delivery, telephone, or telegraph shall be delivered, telephoned, or given to the telegraph company at least twenty-four (24) hours before the time set for the meeting.

(c) Notice Contents. The notice shall state the date, time and place of the meeting. It need not specify the purpose of the meeting.

Section 6. Quorum Requirements.

- (a) The attendance of a majority of the elected number of directors at any meeting of the directors shall constitute a quorum for the transaction of business, except to adjourn as provided in Section 8 of the Article VI.
- (b) Every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present shall be regarded as the act of the Board of Directors.

- (c) A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of directors of directors below a quorum, if any action taken is approved by at least a majority of the required quorum for that meeting.

**Section 7. Waiver of Notice.** The transaction of any meeting of the Board of Directors, however called and noticed or wherever held, shall be as valid as though taken at a meeting duly held after regular call and notice, if (a) a quorum is present, and (b) either before or after the meeting, each of the directors not present, individually or collectively, signs a written waiver of notice, a consent the holding of the meeting, or an approval of the minutes thereof. The waiver of notice or consent need not specify the purpose of the meeting. All waivers, consents and approvals shall be filed with the Association records or made part of the minutes of the meeting and shall have the same force and effect as a unanimous vote of the Board. The requirement of notice of a meeting shall also be deemed to have been waived by any director who attends the meeting without protesting before or at its commencement about the lack of notice.

**Section 8. Adjournment.** A majority of the directors present, whether or not constituting a quorum, may adjourn any meeting to another time and place or may adjourn for purposes of reconvening in executive session to discuss and vote upon personnel matter, litigation in which the Association is or may become involved and matters of business of a similar nature. If the meeting is adjourned for more than twenty-four (24) hours, notice of adjournment to any other time or place shall be given prior to the time of the adjourned meeting to the directors who were not present at the time of the adjournment. Except as hereinabove provided, notice of adjournment need not be given.

**Section 9. Action Without a Meeting.** Any action required or permitted to be taken by the Board of Directors may be taken without a meeting, if all members of the Board, individually or collectively, consent verbally or in writing to that action. If possible each director will be contacted by phone for a verbal vote. Each director will later sign the consent. Such written consent or verbal consent shall have the same force and effect as an unanimous vote of the Board of Directors. Such written consent or consents shall be filed with the minutes of the proceedings of the Board.

**Section 10. Compensation.** Directors, officers and members of committees shall not be entitled to compensation for their services as such, although they may be reimbursed for such actual expenses as may be determined by resolution of the Board of Directors to be just and reasonable. Expenses shall be supported by an invoice or voucher acceptable to the Board. This Section 10 shall not be construed to preclude any director from serving the Association in any other capacity, such as an officer, agent, employee, or otherwise, and receiving compensation for those services.

## Article VII Officers

**Section 1. Officers.** The officers of the Association shall be: (1) a President, (2) a Vice-President, (3) a Secretary, and (4) a Treasurer. One person may hold two or more offices, except that neither the Secretary nor the Treasurer may serve concurrently as President.

**Section 2. Election of Officers.** The officers of the Association shall be chosen annually by majority vote of the Board at its first meeting following the annual meeting and election of directors and shall each hold his or her office for one year or until he or she shall resign or shall be removed or otherwise disqualified to serve, or his or her successor shall be elected and qualified. This election shall be by secret ballot.

**Section 3. Resignation and Removal.** Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time by giving written notice to the Board, the President or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

**Section 4. Vacancies.** A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

**Section 5. President.** The president shall be elected by the Board from among the directors. He or she shall be the chief executive officer of the Association and shall, subject to the control of the Board, have general supervision, direction and control of the affairs and officers of the Association. He or she shall preside at all meetings of the Board, and shall have the general power and duties of management usually vested in the office of president of a corporation, together with such other powers and duties as may be prescribed by the Board or the Bylaws.

**Section 6. Vice-President.** The vice-president shall be elected by the Board from among the directors. He or she shall act in the place of the president in the event of his absence, inability or refusal to act, and shall perform all the duties of the president and when so acting shall have all the powers of, and be subject to all the restrictions upon the president. He or she shall have other such powers and perform other duties as from time to time may be prescribed by the Board or the Bylaws.

**Section 7. Secretary.** The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board, shall serve notices of meetings of the Board and of the members, shall keep appropriate current records showing the members of the Association together with their addresses. He or she shall keep the seal of the Association in safe custody, and shall have such other powers and perform such other duties as may be prescribed by the Board or by the Bylaws.

**Section 8. Treasurer.** The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board, shall co-sign all promissory notes of the Association, shall keep proper books of account, and shall assist in or cause the preparation and distribution of the financial statements of the Association. The books and records shall at all reasonable times be open to inspection by any director.

## **Article VIII Dues and Finances**

**Section 1. Checks.** All checks or demands for money and notes of the Association shall be signed by the president and treasurer, or by such other officer or officers as the Board of Directors may from time to time designate.

**Section 2. Final year-End Report.** Within sixty (60) days after the close of the fiscal year, a final year-end report consisting of at least the following shall be distributed to the Directors:

- (a) A balance sheet as of the end of the fiscal year;
- (b) An operating (income) statement for the fiscal year; and
- (c) A statement of changes in financial position for the fiscal year.

**Section 3. Dues.** Members shall pay annual dues in an amount set by the Board of Directors. Dues are due Jan 1<sup>st</sup>. The fiscal year of Mesa Dunes Homeowners Association shall be January 1<sup>st</sup> through December 31<sup>st</sup>.

**Section 4. Dissolution of Association.** In the event that this association is dissolved, the remaining monies in the treasury will be split into equal shares and distributed to local non-profit organizations by the Board of Directors.

## **Article IX Miscellaneous**

**Section 1. Inspection of Books and Records.** Every director shall have an absolute right at any reasonable time to inspect all books, records, documents and minutes of the Association and the physical properties owned by the Association. The right of inspection by a director includes the right to make extracts and copies of documents.

**Section 2. Amendment or Repeal of Bylaws.** Except as otherwise expressly provided herein, these Bylaws may only be amended or repealed, and new Bylaws adopted by the affirmative vote of the members at an annual or specially noticed general membership meeting.

**Section 3. Indemnification of Association Agents.**

- (a) Any person who was or is a director, officer, employee or other agent of the Association (collectively "Agents") may be indemnified by the Association for any claims, demands, causes of action, expenses or liabilities arising out of, or pertaining to, the Agent's service to or on behalf of the Association to the full extent permitted by California Law.
- (b) The Association shall have power to purchase and maintain insurance on behalf of any agent of the Association against any liability asserted against or incurred by the agent in such capacity or arising out of the agent's status as such whether or not the Association would have the power to indemnify the agent against such liability under California Law.

**Section 4. Personal Liability of Volunteer Director or Officer for Negligence.**

- (a) Except as provided in subparagraph (c) below, there shall be no personal liability to a third party on the part of a volunteer director or volunteer executive committee officer of this Association caused by the director's or officer's negligent act or omission in the performance of that person's duties as a director or officer, if all the following conditions are met:
  - (i) The act or omission was within the scope of the director's or executive committee officer's duties.
  - (ii) The act or omission was performed in good faith.
  - (iii) The act or omission was not reckless, wanton, intentional, or grossly negligent.
  - (iv) Damages caused by the act or omission are covered pursuant to a liability insurance policy issued to the Association, either in the form of a general liability policy or a director's and officer's liability policy, or personally to the director or executive committee officer. In the event that the damages are not covered by a liability insurance policy, the volunteer director or volunteer executive committee officer shall not be personally liable for the damages if the Board of Directors and the person had made all reasonable efforts in good faith to obtain available liability insurance.
- (b) For purposes of the section 5, "volunteer" means the rendering of services without compensation. "Compensation" means remuneration whether by the way of salary, fee, or other consideration for services rendered. However, the payment of per diem, mileage, or other reimbursement does not affect that person's status as a volunteer within the meaning of this section.

(c) This section does not eliminate or limit the liability of a director or officer for any of the following:

- (i) As provided in section 5233 or 5237 of the California Nonprofit Public Benefit Corporation Law; or
- (ii) In any action or proceeding brought by the California Attorney General.

Section 6. Gifts. The Board of Directors may accept on behalf of the Association any contribution, gift, bequest, or devise for the general purpose of the Association.

**CERTIFICATE OF SECRETARY****KNOW ALL MEN BY THESE PRESENT:**

The undersigned, secretary of the Association does hereby certify that the above and foregoing Bylaws consisting of 10 pages, were duly adopted by the members of said Association on the 14<sup>th</sup> day of September, 2004, and that they now constitute said Bylaws.

Sharon A. McMahon



Sharon McMahan

January 28, 2014

Airlin Singewald, Planner  
San Luis Obispo County Planning Dept.  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408

Re: Proposed conversion of Mesa Dunes Estates Manufactured Home Park

Dear Mr. Singewald:

I am writing this letter to you to further explain the statement, which I submitted to your Department in my letter dated August 28, 2013, in which I stated that on June 17, 2013, a representative of the law firm representing our park owner, concerning his application to convert our park to a resident owned subdivision (Ms. Forbath), approached me and told me that "our board was required to meet with her on the very next day (*on June 18, 2013*) if we wanted to see the survey form that her firm would be sending out on June 24, 2013." As I stated in that letter, "I objected to her that we needed more time to properly call a board meeting, to study the issue of the conversion and to obtain legal advice." At that time, I clearly explained to Ms Forbath that the reason I could not properly call a board meeting for that next morning was that our Bylaws required me to give all of our board members 24 hours telephone notice to call such a last-minute special board meeting (*i.e., under our Bylaws an unscheduled board meeting is a "special board meeting," governed by Sections 6 and 7 of Article VI of our Bylaws and I also explained to Ms. Forbath that our next scheduled board meeting was July 9, 2013, but she said that was too late*). Ms Forbath's response was that she did not want to have to come back up to our Park, that they needed to complete the survey out right away and that we had to meet with her that next morning.

Subsequently, two of our Board members did not attend Ms. Forbath's June 18, 2013 - morning meeting, Edward Brown and Arlene Costa. This means (under Article VI Section 7 of our Bylaws) that even if Ms Forbath's June 18 - meeting had been a meeting called by our board - which it was not as I clearly explained and protested to Ms. Forbath (see my August 28, 2013 - letter) - then any action that we had taken during it would have been invalid since neither of these two absent board members then submitted the written waivers, or the other required written consents, that would have allowed us to take formal action on behalf of the Association at that meeting without having first provided the notice required by Section 6(a) and 6(a)(2) of Article VI of our ByLaws.

The only other provision of our Bylaws that would allow our board to take a formal action on behalf of the Association without a meeting of our board is Section 9 of Article VI of our Bylaws, which allows our board to take action without a meeting but it requires the unanimous consent of all our board members, which can be obtained verbally by telephone, and then that unanimous consent must be verified by each member subsequently signing a written consent that must be filed with the minutes of the proceedings of the board. This did not occur, particularly because board members Edward Brown and Arlene Costa did not attend Ms Forbath's June 18 - meeting, nor did they verbally consent over the telephone to any action taken at Ms. Forbath's meeting (since none was taken!), and neither they nor the rest of our board

Meeting Date: February 4, 2014  
Presented By: Will Constantine  
Rec'd prior to the meeting & posted on: January 29, 2014

Airlin Singewald, Planner  
January 28, 2014  
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subsequently signed the written consents, which would be required by Section 9 for our board to take action outside of a meeting of our board.

Finally, Section 7 of Article VII of our bylaws require our secretary to "record" the "minutes of all meetings and proceedings of the Board." She did not do this for Ms. Forbath's June 18 - meeting since none of us considered it to be a meeting of our board as I so clearly had warned Ms. Forbath, as explained above.

The Bylaws accompanying this letter are our current bylaws, which were in effect during our meetings in June 2013 with Ms. Forbath and Mr. Close and they confirm that my above objections to Ms. Forbath were required by and consistent with the above provisions of our Bylaws.

Our Board's procedures also require any action taken voted on by our board on behalf of the Association to be first proposed to the board through a motion by one of our board members, which must then be seconded by another board member before it is voted on. This is the procedure that we have always followed with every vote of our board and this did not occur at Ms. Forbath's meeting since it was not a meeting of our board.

Sincerely,



Sharon McMahan, President of the  
Mesa Dunes Homeowners Association

## William J. Constantine, Attorney

E-mail: [wconstantinesantacruz@gmail.com](mailto:wconstantinesantacruz@gmail.com)

January 28, 2014

*Sent via US Mail and E-mail (asingewald@co.slo.ca.us)*

Airlin Singewald, Planner  
San Luis Obispo County Planning Dept.  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408

Re: Proposed conversion of Mesa Dunes Estates Manufactured Home Park, Arroyo Grande, to a resident owned condominium subdivision.

Dear Mr. Singewald:

As you are aware, the Mesa Dunes Homeowners' Association (the Association) has retained my office to represent them in responding to the proposed conversion of Mesa Dunes Manufactured Home Park in Arroyo Grande (the Park). I have reviewed the Park owner's attorney's, Richard H. Close's December 5, 2013 letter responding to my November 6, 2013 letter regarding the incompleteness of the Park's conversion application. As you know, that incompleteness is a result of the Park owner's failure to obtain a valid agreement with the Association for conducting the resident support ballot required by Government Code Section 66427.5(d), the statute that controls this form of mobile home park conversion.

I will be gathering some additional information from my clients that responds to the inaccurate claims that his letter has now made and I will be sending you an additional response to those claims by the end of this week. However, I wanted to immediately provide you with the enclosed document, the Bylaws of the Mesa Dunes Homeowners Association Inc., in order to respond to one of Mr. Close's letter's key inaccuracies. In that regard, Mr. Close's letter makes the absurd claim that the Association's Board "lulled Mesa Dunes into an agreement only to later claim that the agreement is not valid because the board violated its own internal requirements." That is simply not what occurred.

As pointed out in my November 5, 2013 letter to your department, and in the Association's president, Sharon McMahan's, August 20, 2013 letter to your department, on the evening of June 17, 2013, a representative of Mr. Close's law firm, Ms. Susy Forbath, approached Ms. McMahan and told her that the Association's Board was required to meet with her the next day if they wanted to "see the survey form that her firm would be sending out on June 24, 2013." Ms. McMahan then "objected that we needed more time to properly call a Board meeting" and Ms. Forbath told her no that they had to meet with them the next day. (*See* attached letter from Ms. McMahan dated January 28, 2014, as well as Ms. McMahan's original August 20, 2013 - letter to your department)

Ms McMahan's attached letter expands on that conversation and explains that she had specifically informed Ms. Forbath that what was required to "properly call such a Board meeting," was that the Association's Bylaws required Ms. McMahan to give all of the other Board members at least 24 hours verbal notice of it since it would be considered a "special" board meeting and that it was not possible to give that notice for Ms Forbath's meeting since she was demanding that the Board meet with her the very next morning, which was far short of 24 hours. (See McMahan letter, dated January 26, 2014) Thus, Ms. Forbath was made aware that the Board members meeting with her that next morning would not be doing so during a meeting of their Board, in which their Association could formally enter into an agreement with the Park owner for conducting the resident support balloting and the content of the ballots.

This is consistent with all of the previous written statements (which I previously submitted to your department) of the other board members who attended that June 18, 2013 - meeting with Miss Forbath and attorney Richard Close. Those statements all confirm that those board members were not formally voting on approving an agreement for either the content of or for conducting the survey balloting at that meeting because such a vote was not possible, at that meeting, under their bylaws. (See statements of Danny Danielle, Dennis Farrell, Gail Maggio and Gerald Schmidt, accompanying my November 6, 2013 - letter to the SLO Planning Department)

Accordingly, I am attaching a copy of the Association's Bylaws, which confirms the above. Article VI, Section 6(a) allows "special" meetings of the board to be called by either written or telephone notice to all of the board members. Section 6(b), however, requires four days written notice or 24 hours telephone notice before the time set for the meeting. Section 9 of Article VII allows board action to be taken outside of a board meeting but only if the board unanimously verbally approves that action and then subsequently files written confirmations of that approval. As, Ms. McMahan' attached January 28, 2014 - letter clearly states, none of those provisions were complied with because none of the board members considered that they were voting to approve anything at Ms Forbath's meeting with them, as was fully explained to Ms Forbath before she forced that meeting despite that warning and protest.

As explained in Ms. McMahan's attached letter, she had strongly objected to Ms. Forbath that it was not possible to call a special board meeting to meet with her the next morning, as it would be impossible to comply with the above notice requirements. Additionally, Section 7 of Article VI of the Bylaws specifically invalidates any action taken an improperly noticed board meeting that is not in compliance with the above notice requirements, unless a quorum is present at that meeting **and** each of the directors not present "signs a written waiver of notice or a written consent to the holding of the meeting. Here, board members Edward Brown and Arlene Costa, did not attend Ms Forbath's meeting and they did not sign the required waivers, and for a good reason - that no one on the Board believed that they were attending a Board Meeting of the Association to vote on giving Association approval to an agreement for conducting the balloting.

It is now ludicrous for the Park owner's attorneys to now twist these facts in order to falsely claim that the Association "lulled the park owner into an agreement only to later claim that the agreement is not valid because the board violated its own internal requirements." Instead, it is

*Airlin Singewald, Planner*  
*January 28, 2014*  
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the Park owner's law firm that concocted a deceptive scheme to generate the appearance of the board giving their verbal approval after they had clearly been told that the Board would not be conducting a formal board meeting with the Ms. Forbath and the Park owner's attorney if they were forced to meet with Ms. Forbath and Mr. Close the next morning and that they wanted time to obtain legal assistance and to educate themselves on the resident support survey balloting requirement prior to even informally meeting with them to discuss the survey.

Thus, Mr. Close and Ms. Forbath clearly knew that they could not obtain a valid agreement with the Association at the meeting that Ms. Forbath had forced them to attend but they, obviously, wanted to force that meeting anyway to deny the Association the opportunity to obtain legal representation, or even legal advice, on negotiating that agreement and trap them into the false appearance giving verbal approval. The attached letter from Ms. McMahan and the attached Association's Bylaws confirm this.

Please feel free to contact me if you have any questions or need further documentation.

Sincerely,

/S/

William J Constantine

c: client  
wmcdonald@co.slo.ca.us



**Fw: Fax re Mesa Dunes Via MB-1350 - 1/28/2014 8:45:31 AM Caller  
7323894930 -**

**Cytasha Campa** to: BOS\_Legislative Assistants, cr\_board\_clerk  
Clerk Recorder

01/29/2014 08:17 AM

On Feb 4 agenda

Kindest regards,

## Cytasha Campa

Board Secretary

Board of Supervisors

San Luis Obispo County

805-781-4335

----- Forwarded by Cytasha Campa/BOS/COSLO on 01/29/2014 08:16 AM -----

From: "SLO County Voice Mail" <SLO\_Voice\_Mail@co.slo.ca.us>  
To: bos\_fax@co.slo.ca.us  
Date: 01/28/2014 08:45 AM  
Subject: Fax Via MB-1350 - 1/28/2014 8:45:31 AM Caller 7323894930 -

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Thank you. 0394231468-37.pdf

# **Wal-Mart Stores Inc.**

## **Fax Coversheet**

**Date:** 01/28/14

**From:** image

**Fax:** 18057811350

**Subject:** Store:isp.s02556.us  
Confidential Wal-Mart Stores, Inc.

**This fax and any files transmitted with it are CONFIDENTIAL and intended solely for the individual or entity to whom they are addressed. If you have received this in error please destroy it immediately.**

**Please take a little time and email or write the Board of Supervisors  
Today and prior to February 4th !!!**

On February 4th the Board of Supervisors will hear an appeal from the Park's attorneys. The SLO County Planning Department returned their application for subdivision as being "incomplete" and said that "the application contains insufficient evidence to show that the resident support survey was conducted in accordance with an agreement between the applicant and the Mesa Dunes Homeowner's Association, as required by subsection (d)(2) of CA Government Code Section 66427.5.

During her "informational meetings" held June 17, 2013, Ms. Forbath misled us by saying the survey was merely a "preliminary indication of interest" and further that the "support survey doesn't mean anything" and "is just a formality." This is far from the truth - this is the only time in this process that homeowners get to state their opinion of the conversion. *yes she did*

The HOA Board was further told that they "had" to meet with her the next day. We were misled and coerced into meeting with her on the 18th uninformed and unrepresented by council. At that meeting Ms. Forbath gave us each a sample of the ballot they had prepared and told us they were sending it out the following Monday. We were not told that we had the right to negotiate the contents of the ballot and its conduct. One Board member did complain that the text of the "disclaimer paragraph" at the bottom was too small to read and one of us argued that we needed more than a week to return them because of the July 4th holiday. We were not even allowed to keep a sample copy of the ballot. They did not obtain the required resident support survey balloting agreement from our HOA Board.

**Please contact the Board of Supervisors. Tell them you are a Mesa Dunes resident and that we would like to have a new ballot "survey" approved by our HOA and returned to an Independent 3rd party.**

Email: [boardofsup@co.slo.ca.us](mailto:boardofsup@co.slo.ca.us)

Fax: (805) 781-1350

Mail: SLO County Board of Supervisors  
1055 Monterey, Room D430  
San Luis Obispo, CA 93408



Hazel McBee and Dallas McBee  
765 Mesa View Drive SP 126  
Arroyo Grande CA 93420

January 27th 2014

SLO County Board of Supervisors  
1055 Monterey Room D430  
San Luis Obispo CA 93408

Dear Members of the SLO County Board of Supervisors:

When the ballot was sent to us , we had no idea that by filling it out, and we read it as it was mandatory, we were agreeing or saying we are for a conversion on the Mesa Dunes Mobile Home Park. Quite the opposite, my Mother, Hazel is on S.S., and it is not a big sum of money she receives monthly. I have a full time job , but by no means make a large sum of money, and will be of retirement age myself in about 5 years. If the conversion goes thru, we would not be able to purchase the land our mobile home sets on. This would lead us to having to eventually move out of our home.

If a new ballot was sent out for our opinion on a conversion, we would definitely state we are against a conversion.

Where are low or middle income people suppose to live ?? When my Father and Mother purchased their home, 20 years ago, my Father thought he was setting his wife up to be secure , safe and have a home for the rest of her life.

Needless to say , this has been a very worrisome event for my Mother, who will be turning 90 on March 2nd of this year.

Please help save our "little community" and give the people of Mesa Dunes peace of mind to live their lives in peace , happiness and security knowing they will have a roof over their heads and their homes to continue to live in.

Thank you very much for taking the time to read our letter.

☐

Sincerely, *Hazel McBee*  
*Dallas McBee*

Dallas and Hazel McBee